

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the amendment of ARM	)	NOTICE OF PUBLIC HEARING
37.36.604 and 37.36.610 pertaining to	)	ON PROPOSED AMENDMENT
the Montana Telecommunications	)	
Access Program (MTAP)	)	
	)	

TO: All Interested Persons

1. On March 15, 2006, at 10:00 a.m., a public hearing will be held in the auditorium of the Department of Public Health and Human Services Building, 111 N. Sanders, Helena, Montana to consider the proposed amendment of the above-stated rules.

The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who need an alternative accessible format of this notice or provide reasonable accommodations at the public hearing site. If you need to request an accommodation, contact the department no later than 5:00 p.m. on March 3, 2006, to advise us of the nature of the accommodation that you need. Please contact Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210; telephone (406)444-5622; FAX (406)444-1970; Email [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov).

2. The rules as proposed to be amended provide as follows. Matter to be added is underlined. Matter to be deleted is interlined.

37.36.604 FINANCIAL ELIGIBILITY CRITERIA (1) Individuals whose annual family income during the 12 months immediately preceding the month of application is less than 250% of the ~~2004~~ 2006 poverty guidelines published by the U.S. ~~d~~De~~p~~artment of ~~h~~Health and ~~h~~uman ~~s~~Services (HHS) are eligible for a loan of specialized telecommunications equipment based on income. 250% of the HHS ~~2004~~ 2006 annual poverty guidelines for families of various sizes are shown in (2).

(2) 250% of the annual poverty guidelines is as follows:

FAMILY SIZE	250% OF ANNUAL POVERTY GUIDELINE
One	<del>\$23,275</del> <u>\$24,500</u>
Two	<del>31,225</del> <u>33,000</u>
Three	<del>39,175</del> <u>41,500</u>
Four	<del>47,125</del> <u>50,000</u>
Five	<del>55,075</del> <u>58,500</u>
Six	<del>63,025</del> <u>67,000</u>
Seven	<del>70,975</del> <u>75,000</u>
Eight	<del>78,925</del> <u>84,000</u>
Each Additional Person, Add	<del>7,950</del> <u>8,500</u>

(3) There is no asset test to be eligible for a loan of specialized telecommunications equipment.

AUTH: 53-19-307, MCA

IMP: 53-19-305, 53-19-307, MCA

#### 37.36.610 DETERMINATION OF APPROPRIATE

TELECOMMUNICATION DEVICE (1) The program shall consult with the applicant to determine the appropriate telecommunication device or devices. However, the program shall make the final determination, taking into consideration the needs and wishes of the applicant and available funding.

AUTH: 53-19-307, MCA

IMP: 53-19-305, 53-19-307, MCA

3. The Montana Telecommunications Access Program (MTAP) provides specialized telecommunications equipment to low-income persons who need such equipment to communicate effectively on the telephone. MTAP is administered by the Committee on Telecommunications Access Services for Persons with Disabilities (the Committee). Persons whose gross family income is less than 250% of the poverty guidelines established by the U.S. Department of Health and Human Services (HHS) are eligible for MTAP services.

ARM 37.36.604 currently provides that persons whose gross family income is less than 250% of HHS' 2004 poverty guidelines are eligible for MTAP services. HHS updates the poverty guidelines each year to take into account increases in the cost of living. It is therefore necessary to amend ARM 37.36.604 to provide that the 2006 poverty guidelines, which are higher than the 2004 guidelines, will be used to determine eligibility for MTAP. If the Committee did not use the most current poverty guidelines, some persons might be ineligible for MTAP due to inflationary increases in their household income that do not reflect an increase in actual buying power.

ARM 37.36.604 contains a table showing the level of income equal to 250% of the federal poverty guidelines for households of various sizes. The table is currently based on the 2004 poverty guidelines. It is therefore necessary to amend the rule to

insert the new income amounts based on the 2006 poverty guidelines.

ARM 37.36.610 provides that MTAP will consult with the applicant for MTAP services to determine the appropriate telecommunications device for the applicant. The current language of the rule implies that a person eligible for services can receive only one telecommunications device. It was never the intention of the committee to limit an eligible person to one device if the person needs or can benefit from more than one device, nor does 53-19-307, MCA, governing the provision of MTAP services, impose any limit on the number of devices an eligible person may receive. The amendment of ARM 37.36.610 is therefore necessary to specify that MTAP will consult with the applicant to determine the appropriate telecommunications device or devices, in order to make the rule consistent with the statutory provision allowing an eligible person to have more than one device if that is appropriate.

4. Interested persons may submit their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210, no later than 5:00 p.m. on March 23, 2006. Data, views or arguments may also be submitted by facsimile (406)444-1970 or by electronic mail via the Internet to dphhslegal@mt.gov. The Department also maintains lists of persons interested in receiving notice of administrative rule changes. These lists are compiled according to subjects or programs of interest. For placement on the mailing list, please write the person at the address above.

5. The Office of Legal Affairs, Department of Public Health and Human Services has been designated to preside over and conduct the hearing.

/s/ Dawn Sliva  
Rule Reviewer

/s/ John Chappuis for  
Director, Public Health and  
Human Services

/s/ Linda Kirkland  
Chairman of the Montana  
Telecommunications Access Committee

Certified to the Secretary of State February 13, 2006.